

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SHARLA LEDBETTER,

Plaintiff,

vs.

Civ. No. 99-314 LH/WWD

DILLARD'S INCORPORATED, a  
Foreign Corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court sua sponte. On September 30, 1999, pursuant to an Order previously entered by the Court, a settlement conference was scheduled. Plaintiff did not appear for the settlement conference, and she had not been excused from attending the settlement conference. Plaintiff's counsel did not have authority to act for Plaintiff, and Plaintiff's counsel was unable to contact Plaintiff by telephone during the conference. Plaintiff's conduct in failing to appear or to give authority to her counsel to settle, precluded any chance of negotiating toward a settlement. In these circumstances, Plaintiff should pay to Defendant the legal fees incurred by Defendant in attending the aforementioned settlement conference as well as the expense incurred by Defendant's representative in traveling from Santa Fe to Albuquerque and back to attend the scheduled settlement conference. Defendant has filed a statement for attorney fees and expenses in the amount of \$168.54, which I find to be fair and reasonable.

**WHEREFORE,**

**IT IS ORDERED** that on or before October 31, 1999, Plaintiff shall pay to Defendant the sum of \$168.54 as reimbursement for fees and expenses incurred needlessly by Defendant because of Plaintiff's failure to appear at the Settlement Conference scheduled in this cause.



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UNITED STATES MAGISTRATE JUDGE